IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO: 22387 of 2004

Between:

1 Muttavarapu Suryanarayana, S/o. Ramanatham,
R/o. Kapugallu, Kodad Mandal, Nalgonda District.
2 Ummineni Appa Rao, S/o. Venkatramaiah,
R/o. Kapugallu, Kodad Mandal, Nalgonda District.

... PETITIONERS

AND

1 Land Acquisition Officer & Revenue Divisional Officer, Suryapet,

Nalgonda District.
2 District Collector, Nalgonda.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction or Writ specially Writ of Mandamus directing the respondents to refer the Award Proceedings No.C/3865/97 dt. 22-10-2003 on the file of 1st respondent to appropriate civil court u/s 18 of the Land Acquisition Act as per representation dated 4-12-2003 of the petitioners for enhancement of compensation by declaring the inaction of the respondents in not referring the award to appropriate civil court as arbitrary, illegal and violative of Art.14 & 300-A of Constitution of India.

Counsel for the Petitioners: MR.L.PRABHAKAR REDDY

Counsel for the Respondents: GP FOR LAND ACQUISITION

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed to declare the action of the respondents in not referring the matter to the Civil Court under Section 18 of the Land Acquisition Act, 1894 (for short 'the Act'), as illegal and arbitrary.

2. Heard the learned counsel for the petitioners and the learned Government Pleader for Land Acquisition.

3. The brief facts of the case for disposal of the writ petition are that the Government took possession of the lands belonging to the petitioners without paying them any compensation. Aggrieved by the same, petitioners and some others approached this Court in W.P.No.17002/97, which was disposed of directing the respondents to verify the extents and issue Notification with regard to the actual submergence of lands of the claimants. Thereafter notification was published in District Gazette No.172 dated 02-12-1998 and the first respondent – Land Acquisition Officer, after conducting enquiry through Proc.No.C/3865/97 dated 22-10-2003, passed an award granting compensation, which according to the petitioners, is meagre. Not satisfied with the compensation awarded, petitioners made a representation to the first respondent dated 04-12-2003 to refer the matter under Section 18 of the Act to the Civil Court for enhancement of compensation for the lands acquired. It is alleged that in spite of making representation, respondents have not yet referred the matter to the Civil Court.

5. It is admitted by the learned Government Pleader that the application filed by the petitioners seeking reference to the Civil Court under Section 18 of the Act was well within time.

6. In view of the said consensus, the writ petition is allowed and the respondent authorities are hereby directed to refer the matter to the Civil Court under Section 18 of the Act, expeditiously.

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N.V. RAMANA, J

December 6, 2004

MRR/KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1 Land Acquisition Officer & Revenue Divisional Officer, Suryapet,

Nalgonda District.
2 District Collector, Nalgonda.

3 Two C.C. s to the G.P. for Land Acquisition, High Court Buildings,

Hyderabad (OUT)

4 Two C.D. copies.